

REMARKS

The Examiner is thanked for indicating that claims 22 and 23 are allowable

The office action rejects claims 1-13 and 16-21 under 35 U.S.C. § 102(b) as anticipated by U.S. Patents No. 5,840,378 to Nagura. In response, the rejections are traversed for at least the following reasons.

The Examiner has alleged that Nagura teaches “a guide material 7, running in the machine direction, at the ends of the belt that fills in at least 85% of the fabric structure.” (*Office Action* at ¶ 3). The Examiner’s description of element 7 of the Nagura reference is directly contrary to its explicit description in the specification of the reference that states “[a]ntiflexing parts 7 are disposed on the front side at opposite ends of a woven fabric.” (Nagura col. 8, lines 51-52). Thus according to the patentees own description in Nagura, element 7 is not “guide material” as alleged by the Examiner. Indeed, the Examiner has previously admitted this distinction in earlier office actions by stating that “Nagura et al teaches a belt containing a fabric 2-6 containing a **V-guide 8** at the ends of the belt...Element 7 can be considered the coating of claim 18.” (*Office Action* dated 6/28/05 at ¶ 4). This is the **exact opposite** of how the Examiner now alleges these features of Nagura to be oriented. Accordingly, based on the Examiner’s own reported understanding of Nagura and as explicitly stated in the Nagura reference element 7 is not a guide as that term is recited in claim 1 and defined in the specification of the instant application.

Moreover, the Examiner has failed to account for the express language of claim 1. Claim 1 in pertinent part recites “one or more guides made of a guide material attached to machine direction edges **of a wear surface of the fabric**.” Nagura, as previously asserted by the Examiner does indeed appear to have guides formed on the **wear surface** of the fabric Nagura

refers to them as **guide ridges 8**. (Nagura, col. 8, line 52-55). Nagura's teachings regarding these guide ridges 8 could hardly be more plain "guide ridges 8 are disposed on the side, namely on the running surface side of the woven fabric opposite the side seating the antiflexing parts 7."

Id. It is submitted that those of skill in the art of industrial and papermaker's fabrics understand that the "running surface" and the "wear surface" refer to the same side of the fabric. Thus, even if the Examiner's newly contrived interpretation of Nagura is correct, a point which neither applicants nor their attorneys suggest is true, then the Examiner has failed to give patentable weight to a structural element of the claim, namely the location of the guide on the wear side of the fabric. The Examiner's alleged guide 7 is on the wrong side of the fabric. This is not surprising as Nagura already provides for guides 8 on the wear side of the fabric.

But as applicant's attorneys have previously pointed out to the Examiner, Nagura is clear in stating that "guide ridge" cannot itself encapsulate more than 15% of the empty space of the fabric. In contrast, claim 1 describes a guide that encapsulates at least 50% of the fabric.

Therefore, for at least these reasons discussed above, claim 1 of the instant application patentably distinguishes over the relied upon portions of Nagura and is allowable. Claims 2-13 and 16-21 which depend from claim 1 are allowable therewith

The Examiner has also rejected claims 1-13 and 16-17 under 35 U.S.C. § 102(b) as anticipated by either U.S. Patents Nos. 3,523,867 to MacBean or 5,422,166 to Fleischer. The Examiner's rejections are traversed for at least the following reason.

MacBean and Fleisher teach crack and damage resistant strips and wear resistant strips respectively. It is respectfully submitted that these are not "guides" as that term is defined in the instant application. Guides according to the instant application extend from the surface of the fabric in order to guide the fabric as it progresses along its intended path, for example, by fitting

into peripheral grooves at the end of rolls. It is submitted that the wear and crack resistant strips described in MacBean and Fleisher are not guides and cannot act as guides. Accordingly, contrary to the Examiner's suggestion, no additional structure of the "guide" is necessary to distinguish this element from those features relied upon from the cited references. Therefore neither MacBean nor Fleisher teach each and every element of independent claim 1. Claim 1 is therefore allowable. Claims 2-13 and 16-17 depend from independent claim 1 and are allowable therewith. Accordingly, withdrawal of these rejections is requested.

Next the Examiner rejects claims 1-21 as unpatentable over U.S. Patent No. 4,008,801 to Reiley. The Examiner incorrectly alleges that Reiley teaches the guide being "molded into the interstices of the fabric." Complete analysis of the reference and particularly the portion cited by the Examiner reveal that the fabric this portion of Reiley refers to is a fabric backing 32 which is applied to the base web 31 during molding. This fabric backing is not the fabric of the conveyor belt 16, but an additional fabric used in assembly of the belt. (Reiley, col 3, lines 27-43) The base web 31, having the fabric backing 32 is then adhered to the belt 18 using a glue or adhesive and not through encapsulation. (Reiley, col. 5, lines 3-8). Nor does the fabric backing 32 relied upon by the Examiner have a wear side as recited in claim 1. Thus contrary to the Examiner's suggestion there is no teaching or suggestion of the fabric recited in claim 1 of the instant application in Reiley. Claim 1 patently distinguishes over Reiley and is therefore allowable. Claims 2-21, which depend from claim 1 are similarly allowable.

Finally, the Examiner has rejected claims 14, 15, and 18-21 as unpatentable over either U.S. Patent Nos. 3,523,867 to MacBean or 5,422,166 to Fleischer in view of U.S. Patent No. 5,558,926 to Tate. However, Tate fails to address the shortcomings of MacBean and Fleischer discussed above with respect to claim 1. Accordingly, it is submitted that for the reasons

discussed above claims 14, 15, and 18-21 patentably distinguish over the combination suggested by the Examiner and are allowable.

Accordingly, it is submitted that claim 1-23 of the instant application patentably distinguish over the relied upon portions of the cited references and are allowable.

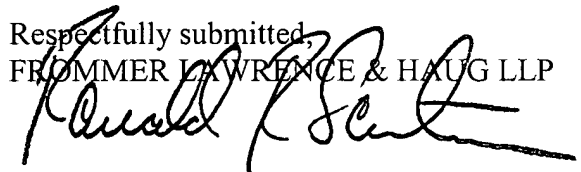
In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the basis for a contrary view.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

The Commissioner is authorized to charge any additional fee that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
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